

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
ANNUAL REPORT**

Introduction

The past 24 months have been an exciting period for the United States District Court for the Northern District of Ohio. The Court hosted the 2002 Sixth Circuit Judicial Conference in May 2002, opened its new 22-story Carl B. Stokes United States Court House in August 2002, and has since hosted many tours and programs to showcase our beautiful building. Many who attended the 2002 Sixth Circuit Judicial Conference in Cleveland had the opportunity to tour the building as it was nearing completion, but most of the Court House interior space was in an unfinished state at that time. Now that it is complete, the building has exceeded our expectations. Unveiling ceremonies were held in October 2003 for Cleveland Venus, a 37-foot-tall bronze figurative sculpture by Jim Dine, the internationally acclaimed Ohio-born artist. The sculpture was boldly integrated into the building's most prominent elevation and serves as a beacon for the site overlooking the Cuyahoga River. Facilities at other Court locations are also being improved as planning for a new court house in Toledo is now underway, and renovation projects have been completed for district court space in Akron and Youngstown.

Since the last Sixth Circuit Judicial Conference, the Court has welcomed two new members to the bench, District Judge John R. Adams, sitting in Akron, and Magistrate Judge Kenneth S. McHargh, sitting in Cleveland, and recently bid farewell to Magistrate Judge Jack B. Streepy, who retired after 30 years of dedicated service to the Court. The Court also welcomed new Sixth Circuit Court of Appeals Judge Deborah L. Cook, who resides in Akron in the chambers formerly used by U.S. District Judge Sam H. Bell.

We hosted five Russian judges, including one justice of the Russian Supreme Court, in September 2003 as part of the Open World Russian Leadership Program. The program was so successful that another group of Russian judges will be visiting with us later in May. The Court also hosted the Court of Appeals for the Federal Circuit during a four-day visit in April 2003.

In October 2003, the district joined with the Southern District of Ohio to conduct our second combined bench bar conference in Columbus. Conference topics included a Supreme Court update, seminars on intellectual property rights and discussions on continuing cooperation between the two courts. As part of that cooperative spirit, the two courts entered into an attorney admission reciprocity agreement under which attorneys already admitted to practice in one court for at least two years could waive the admissions test or seminar requirement of the other court. About 60 attorneys took the oath of admission to our courts at the close of the conference.

The district continues to work hard to maintain current civil and criminal dockets and has been designated as the transferee court for six Multi District Litigation matters. The district also continues to take advantage of the benefits of technology through its use of

electronic filing and electronic courtroom systems. The district implemented certifying officer legislation in July 2003 when it converted to its new financial management system (FAS4T). The Court also implemented a new automated jury management system (JMS) and began permitting electronic filing in criminal cases starting March 1, 2004.

Northern Ohio. The U.S. District Court for the Northern District of Ohio serves the 5.9 million citizens of the 40 most northern counties in Ohio, with 4.4 million people now residing in the Eastern Division and 1.5 million people residing in the Western Division. With 12 authorized district judgeships, it is among the 17 largest U.S. district courts. The district holds court in Cleveland, Akron, and Youngstown in the Eastern Division and Toledo in the Western Division.

District Judges. The Northern District of Ohio is authorized 12 judgeships, 11 permanent and one temporary. The district has been at full judicial strength since Judge John R. Adams joined the bench in February 2003. The district is fortunate that our four senior judges (Judge John M. Manos, Judge Ann Aldrich, Judge John W. Potter and Judge David D. Dowd, Jr.) share the Court's workload and participate in the case assignment draw. The Court was also pleased that its temporary judgeship was extended for an additional five years toward the end of 2002. The district is unlikely to remain at full strength much longer, however, as Chief Judge Paul R. Matia has announced that he is taking senior status at the close of 2004. Judge James G. Carr, sitting in Toledo, will then become the Chief Judge for our district. Since the beginning of 2003, Judge Carr, Judge David A. Katz, Judge Peter C. Economus, Judge James S. Gwin, Judge Dan A. Polster, Judge Ann Aldrich and Judge David D. Dowd, Jr. have also been designated to sit on the Sixth Circuit Court of Appeals to assist with the work of that Court during its judgeship shortage. Other recent judicial designations include: Judge Carr, Eastern District of Michigan; Judge Gwin, Southern District of Ohio, Western District of Kentucky and Eastern District of New York; Judge Polster, Western District of Tennessee; and Judge Dowd, Eleventh Circuit Court of Appeals and Western District of Pennsylvania.

Magistrate Judges. The Northern District of Ohio has eight magistrate judges on board, including one on retired-recalled status, with five assigned to Cleveland and one each to Akron, Toledo and Youngstown. Magistrate Judge Jack B. Streepy retired effective the close of February 29 after serving the Court for 30 years. The district judges selected Kenneth S. McHargh as the new magistrate judge in Cleveland. Magistrate Judge McHargh, who had been with the U.S. Attorney's Office since 1979 and most recently served as the Deputy Chief within the Criminal Division, began his new duties on March 1.

The role of the magistrate judges in the management of civil cases continues to be significant. Magistrate judges were the presiding judicial officers for 494 (14%) of the civil cases that were resolved in 2003. Excluding MDL actions, magistrate judges presided over 10% (282 of 2,792) of the pending civil docket at the close of 2003. The Court has permitted magistrate judges to accept pleas of guilty in criminal cases upon

the consent of all counsel and the defendant since October, 1999. Magistrate judges also help counsel establish budgets for death penalty habeas corpus cases and monitor those budgets on behalf of the Court. Magistrate Judge David S. Perelman has also traveled to the Southern District of Ohio on a regular basis in recent months to assist that Court while it seeks to fill a vacant magistrate judge position.

Magistrate judges participate in Court governance through their membership on Court committees, where their contributions have been invaluable.

Civil Docket. The pending civil caseload increased 25% from 2,844 at the close of 2002 to 3,579 at the end of 2003. Much of the change can be attributed to a 19% increase in civil case filings, particularly an influx of MDL matters filed in the latter part of the year. There were 4,256 non-asbestos civil case filings in 2003 (the second highest total ever) and 3,516 civil case closings in 2003. Due to an imbalance in the civil dockets between judges in our eastern and western divisions, and in order to better distribute the workload of the Court, the district is temporarily assigning newly-filed civil cases arising out of Erie and Huron counties to Eastern Division judges.

Criminal Docket. The Court terminated more criminal cases in 2003 than ever before. The Court also terminated its second highest number of criminal defendants ever. The result was a 6.5% decrease in the number of pending criminal cases, from 403 in 2002 to 377 at the close of 2003, and a 9.2% decline in the number of pending criminal defendants, from 721 to 655. There were 517 new criminal cases filed in 2003, a decrease of 8% from 560 in 2002. There were also 900 new criminal defendants in 2003, a decline of 16% from 1,072 in 2002.

MDL Cases. The Northern District of Ohio is now the transferee court for six Multi District Litigation matters involving several thousand cases. Attorneys have requested that cases be transferred to Northern Ohio because of the district's central location and ease of access, the availability of the Court's electronic filing and electronic courtroom systems, and the priority that judicial officers have provided these matters. One of Judge Kathleen M. O'Malley's three MDL matters, the Welding Rod MDL action, is comprised of over 1,600 pending cases, with more being filed on a regular basis. Judges Peter C. Economus, Donald C. Nugent and James S. Gwin also have MDL matters on their dockets.

Asbestos Docket. Although over 10,841 asbestos cases were filed in this district as recently as 2001, the number of asbestos case filings is no longer significant. Filings in the maritime asbestos litigation tumbled 97% from 1,211 in 2002 to 38 in 2003. That follows an 89% decline in maritime asbestos filings from 2001 to 2002. While all asbestos cases in the federal courts have been transferred to the Eastern District of Pennsylvania for pretrial supervision under Multi District Litigation, asbestos cases continue to be filed and docketed in the originating courts. The district still maintains the records in over 59,000 asbestos cases. In addition, those few cases that do proceed to trial are transferred back to the originating courts for those proceedings. About a half dozen cases have been returned here for trial.

Civil Justice Reform Act. Much of the district's success in maintaining current dockets during times of record level civil case filings can be attributed to the case management programs adopted by the Court pursuant to its role as a Demonstration District under the Civil Justice Reform Act of 1990. Under that program, the district adopted a Differentiated Case Management (DCM) Plan, a wide menu of Alternative Dispute Resolution (ADR) options and a Pending Inventory Reduction Plan (PIRP) to manage its civil caseload. These programs have proven highly successful and remain popular with the bench and the bar. Since these programs were initiated, the number of cases three years and older has been reduced by over 82% and the number of motions pending six months or longer has declined by 86%.

Electronic Case Filing. The Northern District of Ohio is proud to have been the first Court ever to permit attorneys to file documents over the Internet. Since the district first pioneered the system in 1996, it has been adopted by over 40 district courts and 60 bankruptcy courts around the country. The Case Management / Electronic Case File (CM/ECF) system permits users to file and view documents 24 hours a day, 7 days a week. Over 4,100 attorneys, representing over 1,600 firms and solo practitioners, have electronically filed over 300,000 documents with this Court. Following conversion of the data that had been stored in our old ICMS docketing system, the Court now has records for 125,000 traditional civil, criminal and asbestos cases available online. The Court also began permitting attorneys to file electronically in criminal cases starting March 1, 2004. Benefits to attorneys include instant e-mail notification whenever a document is filed in their case, potential savings in copying, courier and noticing costs, and the ability to file documents whenever they are ready to do so. Benefits to the Court include concurrent access to documents, immediate entry to the docket sheet upon filing, and a substantial savings in postage fees. We are proud of our Clerk's Office for having mentored several other district courts (Michigan Western, Indiana Southern, Massachusetts, Middle Pennsylvania, Southern Ohio, Eastern Tennessee and West Virginia Southern) that have successfully implemented the system or that are close to doing so. We congratulate the Southern District of Ohio for having the quickest start of any district court in the history of CM/ECF, with over 2,000 electronic filings by attorneys in their first month.

Emergency Planning. The emphasis placed on security and emergency planning since September 11 continues to have a significant impact on the daily activities of the district. The Court has updated its Occupant Emergency Plans for all its locations. The Court conducts annual evacuation drills and has developed a Shelter-in-Place protocol for the Cleveland court house. All mail is opened in secure rooms in each building, and all deliveries are screened. Staff have attended training and have developed a preliminary Continuity of Operations Plan (COOP). Building Security Committees meet regularly to communicate security issues with all tenants.

New Cleveland Court House. The Court moved into the beautiful new Carl B. Stokes United States Court House in Cleveland in August 2002. The Court family had worked with the General Services Administration for over 10 years to bring the new court house

to fruition, and we are very gratified that our offices are under one roof once again. The Senior District Judges, the Circuit Judges, the U.S. District Court Clerk's automation department, the U.S. Probation Office, the U.S. Pretrial Services Office, and the U.S. Attorney's Office, each of which had been located in leased space, joined the rest of the Court family in moving into the new court house. Benefits of the move include the elimination of costly leased space and greatly increased security, life-safety systems, efficiencies of operations and communications, state-of-the-art technology and sufficient space for our offices and court functions. The court house is directly connected to Tower City Center, providing easy access for attorneys, jurors, witnesses and court personnel to transit lines, restaurants, parking and retail.

The Thomas D. Lambros U.S. Court House. With the relocation of the U.S. Bankruptcy Court into their new court house in Youngstown, GSA completed the work in 2003 for renovation of the former bankruptcy courtroom for the district court magistrate judge, as well as the construction of a jury deliberation suite for the magistrate judge, and construction of U.S. Probation's offices in the former Bankruptcy Clerk's space. Pretrial Services moved into former Probation Office space.

New Toledo Court House. Congress approved FY2004 funding for site improvements and design of a new court house in Toledo. The Court is working with GSA to begin the design process. The new court house will provide the Court with greatly increased security, life-safety systems, efficiencies of operations and communications, state of the art technology and sufficient space for our offices and Court functions. GSA had previously negotiated a land exchange with the City of Toledo for a parcel of property on the Civic Mall adjacent to the existing court house for the site of the new building. The existing court house will be renovated for the U.S. Bankruptcy Court and other related federal agencies.

The Howard M. Metzenbaum Court House. A prospective level renovation project is now underway at the historic Howard M. Metzenbaum Court House in Cleveland to accommodate the U.S. Bankruptcy Court, which will be moving from its leased space to become the primary tenant. The two historic U.S. District Court chambers, which are adjacent to the District Court's ceremonial courtrooms, will be updated. The project also provides for restoration of some of the most architecturally significant public spaces in the building and a building-wide modernization of the HVAC, plumbing, fire/life safety, lighting and power systems. The project completion date is June 2005.

Facilities. Since the establishment and funding by the Administrative Office of a Cyclical Replacement/Maintenance Program for court-occupied space beginning in 2001, the Court has been able to address needs in the Akron, Toledo and Youngstown court houses. Our cyclical replacement plan included replacing old carpeting, ceiling tile, and lighting in judicial offices, where needed, as well as jury assembly rooms and Clerk's Office space.

Electronic Courtrooms. The Northern District of Ohio has seven electronic courtrooms, with four in Cleveland and one each in Akron, Toledo and Youngstown.

The courtrooms are in regular use throughout the year by all judicial officers and have contributed to substantial savings of trial time. The district strives to provide litigants with the best facilities available to assist in the efficient administration of justice. Each electronic courtroom has an evidence presentation system, through which counsel can display exhibits, video recordings or multimedia presentations and view realtime transcripts with the push of a button. The systems include a document camera for displaying documents, x-rays and three-dimensional objects; 15" flat-panel video displays on counsel tables, the judge's bench and between jurors; VGA connections to display documents, multimedia presentations or images from a portable computer on any monitor in the courtroom; technology-ready counsel tables; realtime court reporter transcription; a visual image printer to produce 3" x 5" prints of any image displayed through the system; annotation devices which permit on-screen drawing and highlighting to emphasize specific details of evidence; a videocassette recorder; and infrared equipment for listening assistance and language translation. The Court recently participated in a study conducted by RossDrulisCusenbery Architecture, Inc. and Charles Salter Associates on behalf of the Administrative Office of the Court's technology program, to better provide the judiciary with cost effective courtroom technology systems and improve design and installation services.

Video Conferencing and Satellite Reception. The district has had video conferencing and satellite reception equipment at each court location since January, 1999. Video conferencing is available in at least 3 fixed locations within each court house. Supplemental portable video conferencing equipment has also been procured for each office. The equipment has been used for remote witness testimony, prisoner video conferencing, arraignments, judges' meetings, Clerk's Office meetings, and participation in long-distance learning programs offered by the Administrative Office and the Federal Judicial Center. The Court will soon be participating in an AO capital construction video conference on court house design for the Toledo court house, a program which in the past required participants to travel to the location of the seminar. The Court has saved significant amounts of travel time and costs through electronic participation in these events. Savings have also been achieved by other courts and the U.S. Marshal Service who have, upon occasion, brought prisoners held in nearby facilities to this Court to participate in oral argument on a motion via video conferences, rather than flying the prisoners to other court locations.

Juror Utilization. This Court utilizes pro-active juror management techniques such as staggering trial start times, pooling jurors, using multiple voir dire and assessing jury costs for late settlements. Our juror utilization rate for 2003 was 25% not utilized on the first day of service, which was better than the Judicial Conference goal of 30% not utilized. For the year ending September 30, 2003, Northern Ohio had the best jury utilization in the 6th Circuit and the 2nd best in the nation for courts with 6 or more active Article III Judges in one location. The district has achieved this success through a concentrated effort among judicial officers, court staff, and jury clerks.

Juror Morale. The Court conducts exit surveys of all seated jurors and shares the results with the Judicial Officers in order to maintain high juror morale. Information

about jury service and other items of interest to jurors is posted on the Court's web site. Included are the juror handbook, answers to frequently asked questions, maps, hotel listings, parking facilities, restaurant listings and a convenient link which allows jurors to e-mail the jury administrator directly. Public transportation schedules are also made available in our jury assembly rooms. The Court provides cable/satellite transmission of television to all jury rooms, where television reception previously had been very poor. New jurors are offered coffee, and healthy snacks are provided to seated petit and grand jurors. The exit questionnaires show that jurors are very appreciative of these efforts.

Naturalization of New Citizens. The Court administered the oath of allegiance to 1,384 new citizens in 2003. In Cleveland, ceremonies are held twice per month, and in Toledo, naturalization ceremonies were conducted monthly. Five special ceremonies were also held at public locations in the district. The district has improved its efficiency in distributing notices to new citizens, saving the Court postage and manpower.

Court Recording. The Northern District of Ohio employs 12 official court reporters and one full-time Electronic Court Recorder (ECR), assisted on a regular basis by a variety of deputy clerks, to serve its 24 judicial officers. By pooling court reporters, the district is able to save thousands of dollars in contract court reporter fees each year. Official court reporters in Cleveland are placed on a one-month assignment to a district judge, and reporters in Akron, Toledo and Youngstown are assigned by the court reporter supervisor in a manner which efficiently meets the needs of the judges. Court reporters frequently travel to other court locations to assist in providing coverage to judicial officers. The court has established a goal that all court reporters become realtime certified. Currently, ten of the twelve court reporters are Certified Realtime Reporters.

Digital Audio. The Northern District of Ohio has installed FTR Gold digital audio recording equipment in each Magistrate Judge courtroom in Toledo, Akron, and Youngstown and in every courtroom in the new Cleveland court house. Software has been installed on laptop computers, and user training has been provided to both operators and Magistrate Judges.

Clerk's Office. Our Clerk's Office supports 24 judicial officers and its automation department supports 468 desktop and laptop computers and 24 file servers. The Office has taken a leadership role in the implementation of electronic filing and video conferencing, the installation of electronic courtrooms, the installation of audio-digital recording equipment, and the renovation of Court facilities, including the construction of and move into the new Carl B. Stokes Court House. Since the move, the Clerk's Office has also implemented a new financial management system (FAS4T) and a new jury management system (JMS). The Clerk's Office is proud of its Internet web site, as well as its internal intranet, both of which provide a wealth of information on activities and procedures of the Court, particularly as they relate to electronic filing. For FY 2004, the Clerk's Office is allocated 89.1 work units, down from 101.8 in FY 2003 and 120.5 work units from FY 2002. The decreases were caused by the substantial reduction in asbestos case filings during prior years. The Clerk's Office FY 2004 allocation for

personnel and operations for FY 2004 was reduced 7.3% or \$574,000 from what we received for FY 2003. Despite the substantial drop in authorized work units and budget allotments, no layoffs have been necessary because the Clerk's Office never hired up to its authorized level, since it knew that asbestos case filings were likely to fluctuate widely. Through the years, this permitted the Court to return substantial amounts of money to the Administrative Office. Currently, the Clerk's Office has 95 individuals (93.5 work units) on board. By primary duty, the office is comprised of 24 courtroom deputies, 17 docket clerks, 12 administrative and operational managers and supervisors (including the Clerk), 10 automation staff, 6 intake staff, 5 jury staff, 4 space, property and procurement staff, 4 finance staff, 2 personnel staff, 2 appeals clerks, 2 ADR staff, a court reporter supervisor, an ECRO operator, an attorney admissions clerk, an administrative analyst, a secretary, a records clerk and a pro se/naturalization clerk.

The Clerk's Office is also proud of its alumni who now hold significant positions in other districts, including David Weaver, Court Administrator / Clerk, Eastern District of Michigan; Keith Throckmorton, Clerk, Middle District of Tennessee; Stephan Harris, Chief Deputy Clerk, Wyoming; Eric Hogue, Division Manager, Middle District of Florida; and Mark Blazenyak, Systems Manager, Middle District of Tennessee. Each of those individuals played a major role in the development of our Clerk's Office during their tenure with this Court, and we continue to wish them well.

Probation Office. In FY 2003, there was a 2% growth in presentence reports (923) and a 1% increase in the number of cases on supervision (1,793). The minimal increase in supervision cases was a direct result of a greater number of cases being terminated early. The Probation Office continued to offer to the Court a variety of ways of managing offenders in the community. A total of \$802,897 was spent on drug and alcohol treatment, while \$296,280 was directed to mental health treatment. Home confinement with electronic monitoring placement was at 200 offenders for the year. Approximately half of the home confinement cost (\$43,375 of \$85,416) was funded through offender payments. The Court approved a search and seizure policy for managing high-risk cases. Emphasis was also placed on preparing staff to supervise the rising number of computer crime/child porn cases.

Pretrial Services Office. During FY 2003, 903 cases were activated, and 1,006 cases were closed. At year end, 263 defendants were on supervision, and 426 defendants were removed from supervision during the year. There were 522 total cases, and 358 new cases, with conditions of release for drug testing and/or treatment, mental health treatment, and residential placement. Expenditures for these "alternatives to detention" services totaled \$385,505. There were also 143 electronic monitoring cases supervised, costing \$55,195, with defendants contributing \$5,384 as self-pays toward their release order. Staff had 1,850 hours of training in 42 programs. The Court continued to approve drug testing of defendants prior to their initial appearance if the defendant voluntarily consents to the test. The Youngstown Pretrial Services Office moved into new space previously occupied by the Probation Office.

Training. The Northern District of Ohio is committed to the professional development of

its staff. The district has had a Joint Court Unit Training Committee since 1993 and a Joint Unit Automation Sub-Committee since 1996, consisting of staff from the Clerk's Office, Probation Office, Pretrial Services Office and Bankruptcy Court. These committees work together to ensure that training resources are utilized wisely and efficiently. A two-day training seminar for all Clerk's Office staff, court reporters and judicial assistants / secretaries was held in April 2003 which focused on leadership skills, customer service, managing change and continuity of operations planning. The district also participated in the AO's Heritage Celebration Series by holding our 2nd annual African-American Heritage Ceremonies in both Toledo and Cleveland this past February. We also look forward to the Hispanic Heritage Celebration to be held this fall.

Advisory Group. One of the most positive aspects of the Civil Justice Reform Act process was the creation of the CJRA Advisory Group. That group provided an avenue for a continuing dialog between the bench and the bar on effective case management and other issues of interest. Although courts are no longer required to have an advisory group in place, the Northern District of Ohio has followed the recommendation of the Judicial Conference that the advisory group process be continued. The mission of the Advisory Group for the Northern District of Ohio is to cover all matters of interest, whether civil or criminal, to the bench and the bar. The group meets with the judges semiannually in May and October and has established several committees that meet independently throughout the year. Committees include Civil Rules & Procedures; Criminal Rules & Procedures; Alternative Dispute Resolution; Professionalism, Mentoring & Training; Technology; Magistrate Judge Utilization and New Court House. The continued support of the Advisory Group has proven invaluable to the Court.

Respectfully Submitted,

Paul R. Matia
Chief Judge